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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,932	12/12/2003	Chi Fai Ho	IPLN.P0001C	2247

7590 08/24/2007  
Peter Tong  
1807 Limetree Lane  
Mountain View, CA 94040

EXAMINER
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LEIVA, FRANK M

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/734,932

Applicant(s)

HO ET AL.

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-16 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-16 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 July 2007 has been entered.

### ***Drawings***

2. The drawings were received on 27 July 2007. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 13-16 and 23-26** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "after selecting the one or more areas, selecting the specific area of the subject to work on" points to a reoccurring never ending cycle. The specifications fails to mention nor does it explain how the loop of repeated selection will end.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 102***

6. **Claims 13 & 23 is rejected under 35 U.S.C. 102(e) as being anticipated by Siefert (US 5,904,485).**

7. **Regarding Claims 13 & 23; Siefert discloses:**

a. A computer-implemented method for helping a user learn a subject, the subject having a plurality of areas, (Abstract).

b. Retrieving test results from testing the user on at least one area of the subject after materials on the subject have been presented for the user to learn, (abstract).

c. Analyzing the test results using a relationship rule to suggest certain activity for the user, wherein the relationship rule defines at least a relationship between at least two areas of the subject, (Col. 9:10-19).

d. A method comprising after the presentation of materials regarding a specific area of the subject to the user, and further after the user has been assessed to have achieved at least a passing grade or to have understood the specific area, selecting one or more other areas of the subject for the user to work on, and after selecting the one or more other areas of the subject for the user to work on,

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selecting the specific area of the subject for the user to work on, wherein the specific area is selected for the user without depending on whether the user has been assessed to have achieved a certain satisfactory level of understanding in the one or more other areas, (Table 4.2 item 3, Col. 17:26-30), where reviews of previously learned material are spaced to reinforce long term memory, whether or not a passing grade has been achieved, the process builds structure to what was learned to create a base for what is being learned.

**8. Claims 14-16, 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Siefert (US 5,904,485).**

**9. Regarding Claims 14-15 and 24-25,** Siefert discloses the testing on the user comprises testing the user on a plurality of areas; wherein the subject includes a broad area (i.e., analytic geometry) and a narrow area (i.e., lesson number 13), with the broad area covering the narrow area; and the suggestion can be on the broad area or the narrow area and wherein based on the suggestion, materials are presented to the user to allow the user to practice on the subject so as to further enhance the user's understanding in the subject. See Col.9: 10-19.

**10. Regarding Claims 16 and 26,** Siefert discloses wherein the user is allowed to be involved in an interactive exploration (e.g., request another explanation) to learn about the subject. See Col.14: 56.

### ***Response to Arguments***

**11.** Applicant's arguments filed 27 July 2007 have been fully considered but they are not persuasive. For the following reasons;

**12.** Regarding the items crossed in the Information Disclosure Statements, the examiner could not find among the 136 NPL materials submitted the materials crossed out. The examiner requires the applicant to properly reference the materials so that it can be appropriately identified and/or resubmit only those items not found, including the Japanese translation not found. Please identify the total number of pages submitted for each document.

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13. Regarding the 35 U.S.C. §112 1<sup>st</sup> rejection of claims 13-16 and 23-26, the examiner restates that the flow of events turns the process into an never-ending loop. The applicant argues that the invention is linear, for which means that it is only used for one specific area of a subject and no other area of a subject is studied afterwards, making irrelevant even mentioning other areas of study. The examiner requests that the applicant reviews and amends the claim language in order to more clearly describe the invention.

14. Regarding the 35 U.S.C. §102 rejection of claims 13 and 23, more specifically to, "Siefert does not teach or suggest selecting area X when previously materials on area X have been presented to the user and the user has been assessed to have understood area X", and "after selecting Y, selecting X when previously materials on area X have been presented to the user and the user has been assessed to have understood area X", the examiner points to Col. 17:26-30 of Siefert, where it states "building in occasional reviews of what has been learned", meaning presenting previously studied materials to reinforce context for the following lessons.

15. Regarding claim s 13 & 23 In response to applicant's argument that the reference fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Siefert does not teach or suggest area X being selected independent of whether the user has been assessed to have achieve a certain satisfactory level in area Y) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

16. Regarding claim s 14 & 24 In response to applicant's argument that the reference fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. "the subject includes a broad area and a narrow area, with the broad area covering the narrow area; and the suggestion can be on the broad area or the narrow area "), the examiner points to the logic of the statement, and understands that the suggestion can be narrow or broad and that Siefert points to suggestions of reviewing a lesson topic which would be considered by the examiner a narrow area.

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**Conclusion**

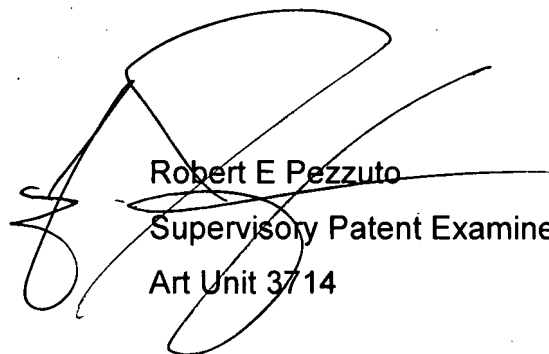
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

08/16/2007



Robert E Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714